

city of the testator at the time of its execution, are admissible in evidence against the will, where the validity of the will is the question to be tried. But the declaration of a deceased attesting witness as to the contents and operation of the will are inadmissible; the will must speak for itself: nor are they admissible to show that a fraud was practised upon the testator in obtaining the will.

Parol evidence is inadmissible to show that the draftsman of the will was mistaken, and the testator designed something not fully expressed.

[William Plummer executed his will on the 6th of September, 1834, by which he devised two tracts of land to Beale Gaither, "to him, his heirs and assigns for ever." The testator died in January, 1836. Beale Gaither, on the 4th of October, 1840, executed a deed by which, in consideration of natural love and affection, he conveyed various tracts of land, including that devised to him by said will, to his three daughters, Susan, Ellen, and Mary Ann, and died intestate, in the year 1849. On the 6th of June, 1850, the complainant, the son of said Beale Gaither, filed the present bill, in which it is alleged and charged, that said Plummer was about to execute his will, whereby he was about, and told said Beale Gaither that he designed to devise to complainant and his brother William, the said land in fee, but that on said Plummer's so stating his purpose and design, said Beale Gaither, who was the reputed son of said Plummer, told him that complainant and said William were then young, and unable to take care of themselves and of their property, and that it would be better to devise the said property to him, the said Beale, and the said Beale promised and agreed with the said Plummer, that if he would devise said property to him, he would, when complainant and said William became old enough to take care of it, give it to them, or that he would give it to them at his death. And that, upon the representation of the said Beale, and his said undertaking to hold the said property in trust for the benefit of complainant and said William, the said Plummer, relying upon the same, actually devised the said property to the said Beale, and to his heirs and assigns for ever. That it was the purpose and design of said Plummer